Calye's Case, 8 Coke Rep. 32 *a*; *Hall* v. *Pike*, 100 Mass. 495. See BEALE, INNKEEPERS, §§ 183–85, 188. It is equally axiomatic that the lodging-house keeper is liable only for reasonable care. *Holder* v. *Soulby*, 8 C. B. (N. S.) 254. See *Scarborough* v. *Cosgrove*, [1905] 2 K. B. 805. See also 19 HARV. L. REV. 534. The public duty and extraordinary liability of the innkeeper exist only in regard to a traveler. *Rex* v. *Luellin*, 12 Mod. 445. See Bruce Wyman, "The Inherent Limitation of the Public Service Duty to Particular Classes," 23 HARV. L. REV. 339, 340. Where an innkeeper entertains boarders as well as guests, he is nevertheless liable to the boarder only as a lodging-house keeper and not as an innkeeper. *Lamond* v. *Richard*, [1897] 1 Q. B. 541; *Manning* v. *Wells*, 9 Humph. (Tenn.) 746; *Horner* v. *Harvey*, 3 N. M. 197, 5 Pac. 329; *Crapo* v. *Rockwell*. 48 Misc. 1, 94 N. Y. Supp. 1122. See BEALE, INNKEEPERS, §§ 201, 202; 2 PARSONS, CONTRACTS, 8 ed., 159. See also 10 HARV. L. REV. 519. In many cases it is a difficult question of fact to determine whether the person entertained is a guest or a boarder. The courts seem to assume that he is a guest, unless the contrary is clearly shown. *Cf. Hancock* v. *Rand*, 94 N. Y. 1, and *Shoecraft* v. *Bailey*, 25 Iowa, 553. But *cf. Meacham* v. *Galloway*, 102 Tenn. 415. In the principal case, the lease negatives the possibility of the innkeeper relation.

INTERNATIONAL LAW — CHANGE OF SOVEREIGNTY — EFFECT OF RECOGNITION OF FOREIGN GOVERNMENT. — During the revolution of General Carranza against Huerta, officers of the former, in pursuance of military orders, seized property and sold it to a United States citizen. Subsequent to the seizure, the United States government recognized Carranza's government as the *de jure* government of Mexico. This suit was brought to determine whether the purchasers from Carranza's officers acquired good title as against someone claiming under the former owner. *Held*, that good title was acquired. *Ricaud* v. *American Metal Co.*, 38 Sup. Ct. Rep. 312.

The acts of one sovereign state done within its own territory are not subject to review by the courts of another. *Underhill* v. *Hernandez*, 168 U. S. 250; *American Banana Co.* v. *United States Fruit Co.*, 237 U. S. 347. This principle has even been extended to acts done by a *de facto* as well as a *de jure* government. *O'Neill* v. *Central Leather Co.*, 87 N. J. L. 552, 94 Atl. 789. It belongs exclusively to the political department of the government to recognize who the sovereign of a territory is, and this recognition is absolutely binding on the courts of that government. *Jones* v. *United States*, 137 U. S. 202; *O'Neill* v. *Central Leather Co.*, *supra; State of Yucatan* v. *Argumedo*, 92 Misc. 547, 157 N. Y. Supp. 219; *United States* v. *Palmer*, 3 Wheat. (U. S.) 610; *Williams* v. *Suffolk Ins. Co.*, 13 Peters (U. S.), 415. The recognition by this government of a foreign sovereign relates back to the inception of the latter government, and makes binding in this country its acts from the beginning. *Underhill* v. *Hernandez*, *supra; State of Yucatan* v. *Argumedo*, *supra*. See *Williams* v. *Bruffy*, 96 U. S. 178, 186.

JUDGES — DISQUALIFICATION — PARTICIPATION OF DISQUALIFIED JUDGE. — In the hearing of an action to construe a statute fixing the salaries of members of the supreme court, four of the five justices withdrew in favor of four district judges. One justice participated in the determination of the cause. His presence was not necessary to constitute a quorum, nor did his vote decide the result. The state constitution provides that if a judge of the supreme court is in any way interested in a case before the court, the remaining justices shall call one of the district judges to sit with them in the hearing of that cause. (N. D. CONST. § 100.) *Held*, that the mere presence of the disqualified judge did not render the judgment void. *State ex rel. Langer* v. *Kositzky*, 166 N. W. 534 (N. D.).

At common law a judge was disqualified if he was a party to the cause or interested in it financially, but his judgment was merely voidable. Generally the disqualification might be waived by the parties. *Dimes* v. *Grand Junction Canal*, 3 H. L. 759. Where statutes expressly forbid persons performing judicial functions from acting when they are interested, such interest, if subsequently shown, is usually held to render the judgment void. *Moses* v. *Julian*, 45 N. H. 52; *Oakley* v. *Aspinwall*, 3 N. Y. 547. But see *Hine* v. *Hussey*, 45 Ala. 496. See FREEMAN, JUDGMENTS, 4 ed., § 146 *et seq.* See also 20 HARV. L. REV. 152; 30 *Id.* 103. A disqualified judge may make a purely formal order. See *Estate of White*, 37 Cal. 190, 192. Judgments of a *de facto* judge, unlike those of a disqualified judge, stand against collateral attack. *State* v. *Alling*, 12 Ohio St. 16. Where the vote of the disqualified judge does not decide the result, there is no settled authority as to the effect of his participation. The situation is analogous to the case of the director with whom the board, of which he is a member, contracts on behalf of the corporation. If the interested director takes no part in the proceedings, the weight of American authority is that the contract is not void. *Fort Payne Rolling Mill* v. *Hill*, 174 Mass. 224, 54 N. E. 532. But see *Stewart* v. *Lehigh Valley Co.*, 38 N. J. L. 505. Both as to judges and directors, the earlier cases were disinclined to consider degrees of influence. See *Hesketh* v. *Braddock*, 3 Burr. 1847, 1856. When the disqualified judge is not necessary to the decision, there is no reason for pushing the rule against participation to extremes, and the present decision may be supported notwithstanding the seeming impropriety of the judge's conduct. But see *Seaward* v. *Tasker*, 143 N. Y. Supp. 257. *Cf. Matter of Ryers*, 72 N. Y. 1; *State* v. *Polley*, 34 S. D. 565, 138 N. W. 300.

PROXIMATE CAUSE — EFFICIENT CAUSE OF INJURY — CAUSAL CONNECTION NOT BROKEN BY FAILURE TO ACT. — A brakeman on a freight train negligently failed to signal another train which, because of the railroad company's negligence, was following dangerously close. A rear-end collision occurred, in which the brakeman was killed. His administrator sued under the Federal Employers' Liability Act. *Held*, that he could recover. *Union Pacific Railroad Co.* v. *Hadley*, 38 Sup. Ct. 318.

For a discussion of this case, see Notes, page 1158.

PUBLIC SERVICE COMPANIES — REGULATION OF PUBLIC SERVICE COMPANIES — POWER OF STATE TO ALTER RATES FIXED BY MUNICIPAL FRANCHISE. — An ordinance granting a sewer company permission to operate within municipal limits imposed a condition that rates for service to property owners should not exceed a maximum fixed therein. The state subsequently created a public utilities commission with power to fix rates. The sewerage company petitioned the commission for authority to charge rates higher than the maximum fixed in the ordinance. *Held*, that the commission had jurisdiction to grant the authority sought. *Collingswood Sewerage Co.* v. *Borough of Collingswood*, 102 Atl. 901 (N. J.).

The rather common provision that a public service company must secure the consent of the municipality in which it proposes to operate, and that, in granting such permission, the municipality may or shall impose conditions, results in a peculiar agreement between the public service company and the municipality or its residents and property owners. Until and unless the state acts this agreement is binding on both parties. See 31 HARV. L. REV. 879. But it is clear that the state may, without encountering the contract clause of the federal constitution, legislate such agreements out of existence, or modify them in any way. The state may authorize the public service company to charge rates in excess of the maximum provided by the agreement. *City of Worcester* v. *Worcester, etc. Ry. Co.*, 196 U. S. 539; *Board of Survey of Arlington* v.